

under 35 U.S.C. § 112 are no longer asserted.

On November 18, 2004 Examiner Stewart and the undersigned conducted a telephonic interview. Claims 7 and 9 were the only claims discussed. The Molino and Fogg patents were the only references discussed. The rejection of claims 7 and 9 was discussed. We also discussed the application.

The Examiner said that he would withdraw the rejection of claim 7 based on Molino because of the filing dates to which Applicant is entitled.

Fogg was discussed with respect to claims 7 and 9. Fogg is an artificial foot designed to enable the wearer to walk in a relatively normal manner.

Regarding claim 7, it was pointed out that Fogg does not provide structure for adjustment of the foot element to a set position such that, in an adjusted position, the foot is at a fixed angle relative to the leg element. Applicant's piston 17 and ring 18 structure provide this foot-positioning capability. And, Fogg does not provide structure for limiting pivoting movement of the foot relative to the leg prosthesis in the adjusted position during walking. Applicant's position-adjustable resilient element 14 limits movement of the adjusted foot element.

Regarding claim 9, it was noted that Fogg lacked at least the cylinder and position-adjustable resilient positionable within the cylinder as claimed.

It is believed that agreement was reached that the rejections of claims 7 and 9 based on Fogg and the rejection of claim 7 based on Molino should be withdrawn.

Conclusion

Allowance of the claims is requested in view of the foregoing. The Examiner is invited to call the undersigned if that would be of assistance in resolving any outstanding issue regarding this application. Although no fees are believed to be due in connection with this Amendment, the Commissioner is authorized to debit or credit deposit account 10-0270 for the full amount of any fee which may be due. Kindly notify the undersigned in the event that the deposit account is debited or credited.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on November 18, 2004.

John E. Munger
Name

John E. Munger November 18, 2004
Signature Date